

07/19/2004 MON 15:25 FAX 248-341096 → uspto

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INTELLECTUAL PROPERTY LAW OFFICES

CARRIER, BLACKMAN & ASSOCIATES, P.C.

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WILLIAM D. BLACKMAN*

*Registered to practice
before the U.S. Patent and
Trademark Office

U. S. and Foreign Patents, Trademarks, Copyrights, Computer Law, Trade Secrets, Licensing, and Litigation

fl 11
1-26-04

FACSIMILE TRANSMISSION COVER SHEET

application S/N

DATE: July 19, 2004 OUR REF: KPO-108-A YOUR REF: 10/055,844

TO (COMPANY): USPTO Petitions Branch

ATTN: Randolph A. Reese, Special Programs Examiner

FROM: William Blackman, Reg. No. 32,391

FAX NO. CALLED: (703) 872-9306 NO. OF PAGES (Including this page) 33

We are also mailing you a confirmation copy of this material if this box is checked.

If the received fax is illegible or incomplete, please call (248) 344-4422 for re-sending.

MESSAGE: The Following is:

① Renewed Petition For Withdrawal of the USPTO's Holding of Abandonment
under 37 C.F.R. 1.181; ② including
③ Certificate of Transmission dated Oct. 8, 2003 ④ A copy of applicant's
facsimile transmission record identifying papers filed ⑤ A copy of
response previously filed ⑥ A statement under CFR 1.8(b)(3) by
person who signed the Cert. of Transmission

CONFIDENTIALITY NOTICE

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Attorney Docket No. KPO-108-A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Kai et al.
Serial Number: 10/055,844
U.S. Filing Date: 23 January 2002
Group Art Unit: 3616
Examiner: Culbreth, Eric D
Confirmation Number: 7883
Title: AIR BAG APPARATUS FOR SIDE CRASH

RENEWED PETITION FOR WITHDRAWAL OF THE U.S.P.T.O.'S
HOLDING OF ABANDONMENT UNDER 37 C.F.R. 1.181

TRANSMITTAL LETTER

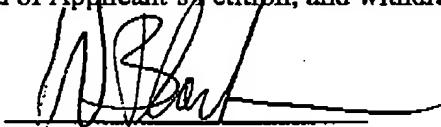
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Office of the Assistant Commissioner for Patents

Sir:

Further to Applicant's original Petition For Withdrawal of the USPTO's Holding of Abandonment, which was filed on February 11, 2004 and which was dismissed in the Decision On Petition dated June 1, 2004, Applicant re-petitions for withdrawal of the holding of abandonment, and requests reconsideration of the decision on applicant's petition.

Applicant encloses herewith further evidence of the fact that an amendment was timely filed, via facsimile, for the present application. The Decision On Petition had previously stated that such additional evidence was required.

Please reconsider and withdraw the dismissal of Applicant's Petition, and withdraw the holding of abandonment of the subject application.



Dated: July 19, 2004

William D. Blackman

Reg. No.: 32,397

Tel. No.: 248-344-4422

Carriger, Blackman & Associates, P.C.

24101 Novi Road, Suite 100

Novi, MI 48375

Customer No.: 21828

Attorney Docket No. KPO-108-A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Kai et al.
Serial Number: 10/055,844
U.S. Filing Date: 23 January 2002
Group Art Unit: 3616
Examiner: Culbreth, Eric D
Confirmation Number: 7883
Title: AIR BAG APPARATUS FOR SIDE CRASH

RENEWED PETITION FOR WITHDRAWAL OF THE U.S.P.T.O.'S HOLDING OF
ABANDONMENT UNDER 37 C.F.R. 1.181

1. Further to Applicant's Petition for Withdrawal of the USPTO's Holding of Abandonment, which was previously filed on February 11, 2004 and which was dismissed in the Decision On Petition dated June 1, 2004, Applicant re-petitions and requests reconsideration of the decision on applicant's petition. Applicant requests that the holding of abandonment set forth in the notice mailed by the Office on February 6, 2004 be reconsidered and withdrawn.

In the Decision On Petition dated June 1, 2004, the Special Programs Examiner dismissed applicant's petition to revive, taking the position that the original petition lacked a statement under 37 C.F.R. 1.8(b)(3) attesting to personal knowledge of sending the original response by facsimile transmission on the date indicated on the certificate, by the person who signed the certificate. Such a statement is enclosed with the present request.

SUBMISSION

2. Copies of each of the following materials are submitted herewith:
 - A copy of the page of the response sent via fax on October 8, 2003, showing a Certificate of Fax Transmission executed on October 8, 2003.
 - A copy of applicant's facsimile transmission record identifying the papers filed, and showing the U.S.P.T.O. receipt dated October 8, 2003.
 - A copy of the complete response previously filed.
 - A statement under 37 C.F.R. 1.8(b)(3) by the person who signed the Certificate of Facsimile Transmission, attesting to personal knowledge of sending the original response by facsimile transmission on the date indicated on the certificate.

3. Please proceed with further examination of this application on the basis of:

The original papers filed, which have now reached the appropriate area of the PTO.

AND/OR

The attached copy of the papers originally filed.

PETITION FEE

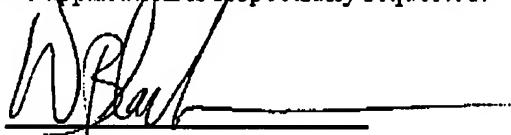
4. The petition fee (37 C.F.R. 1.17(h)) has already been paid in connection with the previously filed petition in this matter. The Patent Office charged the Petition fee of \$130.00 on 20 February, 2004, to the deposit account of Applicant's undersigned representative.

REQUEST FOR REFUND OF PETITION FEE

5. As no defect exists in applicant's original submission, namely, since applicant's amendment was timely filed by facsimile, a refund of the previously paid petition fee is respectfully requested.

REQUEST FOR WITHDRAWAL OF ABANDONMENT

6. Acknowledgement of the active status of this application is respectfully requested.

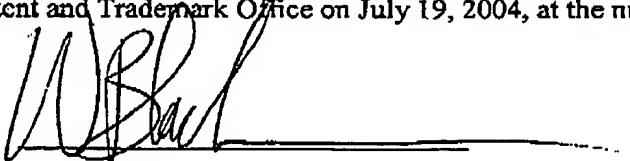


Dated: July 19, 2004

William D. Blackman
Reg. No.: 32,397
Tel. No.: 248-344-4422
Carrier, Blackman & Associates, P.C.
24101 Novi Road, Suite 100
Novi, MI 48375
Customer No.: 21828

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being transmitted, via facsimile, to Examining Group 1761 of the United States Patent and Trademark Office on July 19, 2004, at the number (703) 872-9306.



either singly or in any combination, teach applicant's invention, as presently claimed, and that further, skill generally available in the art would not lead to a person of ordinary skill to create applicant's claimed invention, using the references of record.

Applicant respectfully suggests that as currently amended, all of the pending claims are believed to be allowable.

No new matter has been added by the present amendment, since all of the pertinent subject matter was expressly or inherently disclosed in the original application.

For all of the above mentioned reasons, applicant requests reconsideration and withdrawal of the rejection of record, and allowance of all the pending claims.

The Commissioner is hereby authorized to charge \$132.00 for two independent claims in excess of three to Deposit Account 50-0744 in the name of Carrier, Blackman & Associates, P.C. The Commissioner is further authorized to charge any deficiency, and to credit any over-payment to Deposit Account 50-0744 in the name of Carrier, Blackman & Associates, P.C. A duplicate copy of this sheet is enclosed.

Respectfully submitted,



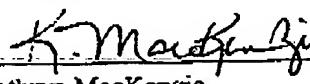
William D. Blackman
Attorney for Applicant
Registration Number 32,397
(248) 344-4422

Carrier, Blackman & Associates
24101 Novi Road, Suite 100
Novi, Michigan 48375
October 8, 2003

CERTIFICATE OF FACSIMILE TRANSMISSION

Applicant's Amendment B

I hereby certify that this correspondence is being transmitted via facsimile to the USPTO Examining Group 3616 at (703) 308-2571 on October 8, 2003.
746-3508


Kathryn MacKenzie

07/19/2004 MON 15:27 FAX 2483441096 → uspto

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Carrier Blackman & Assoc

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*** ACTIVITY REPORT ***

DT. TIME	CONNECTION TEL	CONNECTION ID	NO.	MODE	PGS.	RESULT
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*10/07 20:38			5022	AUTO FAX RX	ECM	1 OK 00'30
*10/07 21:02	01181358076728		0036	TRANSMIT	ECM	5 OK 02'00
*10/07 22:34	03 5211 2482		5023	AUTO FAX RX	ECM	2 OK 00'43
*10/08 00:12	01181352112482		0037	TRANSMIT	ECM	1 OK 00'30
*10/08 01:02	81333201393		5024	AUTO FAX RX	ECM	1 OK 00'31
*10/08 02:00	03 3512 2751	コヤマ トッキヨ ジムショ	5025	AUTO FAX RX	ECM	1 OK 00'29
*10/08 02:02	01181333201393		0038	TRANSMIT	ECM	1 OK 00'27
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*10/08 02:06			5026	AUTO FAX RX	ECM	1 OK 00'32
*10/08 03:26	03 3512 2751	コヤマ トッキヨ ジムショ	5027	AUTO FAX RX	ECM	1 OK 00'29
*10/08 08:03	0118135122751		0040	TRANSMIT		0 NG 00'00
						0 #018
*10/08 09:18	01181333201393		0041	TRANSMIT	ECM	1 OK 00'33
*10/08 11:49	13138320396		5028	AUTO FAX RX	ECM	1 OK 00'34
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*10/08 16:00	17037468811		0042	TRANSMIT	ECM	17 OK 04'57
10/08 16:38	17037463508		0043	TRANSMIT	ECM	19 OK 05'38

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Practitioner's Docket No.: KPO-108A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Application No.:	10/055,844	Group No.:	3616
Filed:	January 23, 2002	Examiner:	Culbreth, Eric
For:	AIR BAG APPARATUS FOR SIDE CRASH		

Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION FOR WITHDRAWAL OF ABANDONMENT

PETITION

1. Applicant petitions that the abandonment set forth in the notice mailed by the Office on be withdrawn.

SUBMISSION

2. Submitted herewith is:

(check and complete each appropriate item below)

A copy of the page of the response sent via facsimile on October 8, 2003, showing a
 Certificate of Facsimile Transmission executed on October 8, 2003.
 A copy of Applicant's facsimile transmission record showing successful transmission

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. 1.8(8a))

I hereby certify that this correspondence is, on the date shown below, being:



MAILING

deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to the Commissioner For Patents, P.O. Box 1450 Alexandria, VA 22313-1450

FACSIMILE

transmitted by facsimile to the Patent and Trademark Office.

Signature

Date: February 11, 2004

William D. Blackman

(Petition for Withdrawal of Abandonment -page 1 of 2)

A copy of the complete response previously filed.
 A copy of the cancelled check(s) referring to the response identified above.
 A copy of the attorney's Deposit Account Statement, in which the item corresponding to the response referred to above is checked.

3. Please proceed with further examination of this application on the basis of:

The original papers filed, which have now reached the appropriate area of the PTO.

AND/OR

The attached copy of the papers originally filed.

PETITION FEE

4. The petition fee (37 C.F.R. 1.17(h)) is paid as follows:

Check in the sum of \$130.00.
 Charge Account 500744 the sum of \$130.00.

A duplicate of this paper is attached.

REQUEST FOR REFUND OF PETITION FEE

5. As no defect exists in applicant's previous submission, a refund of the petition fee submitted herewith is respectfully requested.

REQUEST FOR WITHDRAWAL OF ABANDONMENT

6. Acknowledgement of the active status of this application is respectfully requested.

Reg. No.: 32,397

Tel. No.: 248-344-4422

Customer No.: 21828

SIGNATURE OF PRACTITIONER



William D. Blackman

Carrier, Blackman & Associates, P.C.
24101 Novi Road, Suite 100
Novi, MI 48375

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 *** ACTIVITY REPORT ***

ST.	TIME	CONNECTION TEL	CONNECTION ID	NO.	MODE	PGS.	RESULT
*10/07	14:50	13135312134		0032	TRANSMIT	G3	16 NG 08'02 1
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*10/07	15:32	13135312134		0034	TRANSMIT	G3	3 OK 01'45
*10/07	16:15	01181355613954		0035	TRANSMIT	ECM	5 OK 01'29
*10/07	20:38			5022	AUTO FAX RX	ECM	1 OK 00'30
*10/07	21:02	01181358076728		0036	TRANSMIT	ECM	5 OK 02'00
*10/07	22:34	03 5211 2482		5023	AUTO FAX RX	ECM	2 OK 00'43
*10/08	00:12	01181352112482		0037	TRANSMIT	ECM	1 OK 00'30
*10/08	01:02	81333201393		5024	AUTO FAX RX	ECM	1 OK 00'31
*10/08	02:00	03 3512 2751	ヨツツ トッキョ シムショ	5025	AUTO FAX RX	ECM	1 OK 00'29
*10/08	02:02	01181333201393		0038	TRANSMIT	ECM	1 OK 00'27
*10/08	02:04	01181335122751	ヨツツ トッキョ シムショ	0039	TRANSMIT	ECM	1 OK 00'27
*10/08	02:06			5026	AUTO FAX RX	ECM	1 OK 00'32
*10/08	03:26	03 3512 2751	ヨツツ トッキョ シムショ	5027	AUTO FAX RX	ECM	1 OK 00'29
*10/08	08:03	0118135122751		0040	TRANSMIT		0 NC 00'00
*10/08	09:18	01181333201393		0041	TRANSMIT	ECM	0 #018
*10/08	11:49	13138320396		5028	AUTO FAX RX	ECM	1 OK 00'33
*10/08	12:11	13138320396		5029	AUTO FAX RX	ECM	1 OK 00'34
*10/08	16:00	17037468811		0042	TRANSMIT	ECM	17 OK 04'57
10/08	16:38	17037463508		0043	TRANSMIT	ECM	19 OK 05'38

07/19/2004 MON 15:28 FAX 2483441096 → uspto

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JULY 19 2004 FAX 15:28 FAX 2483441096

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*** ACTIVITY REPORT ***

ST. TIME	CONNECTION TEL	CONNECTION ID	NO.	MODE	PGS.	RESULT
10/09 03:09	0355613955		5030	AUTO FAX RX ECM	1	OK 00'29
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10/09 08:16	01181355613954		0045	TRANSMIT ECM	1	OK 00'25
10/09 09:18	17037463508		0046	TRANSMIT ECM	4	OK 01'10
10/09 09:21	2483065493		5032	AUTO FAX RX ECM	1	OK 00'48
10/09 09:59			5033	AUTO FAX RI ECM	1	OK 00'30
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10/10 10:27	01181335122751	コマツ トヨタ シムシヨ	0051	TRANSMIT ECM	1	OK 00'28
10/10 15:06	01181358076728		0052	TRANSMIT ECM	1	OK 00'28
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10/08/2003 WED 17:01 FAX 2483441096

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*** ACTIVITY REPORT ***

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*10/07 15:01	01181358076728		0033	TRANSMIT ECM	3	OK 00'56
*10/07 15:32	13135312134		0034	TRANSMIT G3	3	OK 01'45
*10/07 16:15	01181355613954		0035	TRANSMIT ECM	5	OK 01'29
*10/07 20:38			5022	AUTO FAX RX ECM	1	OK 00'30
*10/07 21:02	01181358076728		0036	TRANSMIT ECM	5	OK 02'00
*10/07 22:34	03 5211 2482		5023	AUTO FAX RX ECM	2	OK 00'43
*10/08 00:12	01181352112482		0037	TRANSMIT ECM	1	OK 00'30
*10/08 01:02	81333201393		5024	AUTO FAX RX ECM	1	OK 00'31
*10/08 02:00	03 3512 2751	コマツ トヨタ シムシヨ	5025	AUTO FAX RX ECM	1	OK 00'29
*10/08 02:02	01181333201393		0038	TRANSMIT ECM	1	OK 00'27
*10/08 02:04	01181335122751	コマツ トヨタ シムシヨ	0039	TRANSMIT ECM	1	OK 00'27
*10/08 02:06			5026	AUTO FAX RX ECM	1	OK 00'32
*10/08 03:26	03 3512 2751	コマツ トヨタ シムシヨ	5027	AUTO FAX RX ECM	1	OK 00'29
*10/08 08:03	0118135122751		0040	TRANSMIT	0	NG 00'00
					0	#018
*10/08 09:18	01181333201393		0041	TRANSMIT ECM	1	OK 00'33
*10/08 11:49	13138320396		5028	AUTO FAX RX ECM	1	OK 00'34
*10/08 12:11	13138320396		5029	AUTO FAX RX ECM	1	OK 00'33
*10/08 16:00	17037468811		0042	TRANSMIT ECM	17	OK 04'57
10/08 16:38	17037463508		0043	TRANSMIT ECM	19	OK 05'38

There was a 10/8 transaction from the other fax,
listed on another channel

PAGE 10/34 *RCVD AT 07/19/2004 3:21:59 PM [Eastern Daylight Time] *SVR:USPTO-EFXRF-1/0 *DNIS:8729306 *CSID:2483441096 *DURATION (mm:ss):10-02